# IAP20 Res'd PCT/PTO 05 JAN 2006

S/N Filed Herewith

**PATENT** 

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

DIOGUARDI et al.

Examiner:

Unknown

Serial No.:

Filed Herewith

Group Art Unit:

Unknown

Filed:

January 5, 2006

Docket No.:

09728.0347USWO

Title:

METHOD AND APPARATUS FOR ANALYZING BIOLOGICAL

**TISSUES** 

**CERTIFICATE UNDER 37 CFR 1.10**:

"Express Mail" mailing label number: EV 495843359 US

Date of Deposit: January 5, 2006

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mart Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: // / Name: Dayid Ortiz

### **INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Enclosed for the Examiner's information is a copy of the International Search Report. At least some of the references were recently cited in an International Search Report mailed April 16, 2004.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

**10/563696**IAPZO Rese'd FUT/FTO 05 JAN 2006

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, MN 55402-0903

(612)332.5300

Dated: January 5, 2006

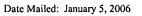
Gregory A. Sebald

Reg. No.: 33,280

GAS/mkc

23552

PATENT TRADEMARK OFFICE



AP20 Res'd PCT/PTO 05 JAN 2006

Docket Number:

FORM 1449\*

#### INFORMATION DISCLOSURE STATEMENT

09728.0347USWO

Application Number: 3696

IN AN APPLICATION

Applicant: DIOGUARDI et al.

(Use several sheets if necessary)

Filing Date: January 5, 2006 Group Art Unit: Filed Herewith

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PATENT TRADEMARK OFFICE	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

# IAP20 Rec'E F CT/PTO 05 JAN 2006

Date Mailed: January 5, 2006

FORM 1449\*

#### INFORMATION DISCLOSURE STATEMENT

Docket Number: 09728.0347USWO

Spiration Number 63696

IN AN APPLICATION

Applicant: DIOGUARDI et al.

(Use several sheets if necessary) Filing Date: January 5, 2006

Group Art Unit: Filed Herewith

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EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.